Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment to Sections 74.1203(a)(3) and	)	
74.1204(f) of the Commission's Rules	)	RM-11786
Aztec Capital Partners, Inc PRM	)	
Re-balancing FM Translator Interference Rules	)	
	)	

Comments of American FM Associates, Inc.

I. INTRODUCTION

Aztec Capital Partners, Inc (Aztec), has asked the Commission to afford protection against interference complaints directed at Fill-In translators that create interference outside of the protected contour of a complaining station. Effectively, stations would only be protected to their service contours against interference complaints. The fact is that radio stations are already only protected to their service contours. Although stations have no standing to complain about interference beyond their service contours, affected listeners may complain. Stations often seek listeners and enlist them to help the station ward off interloping translators that have to nerve to operate in the fringe signal areas.

The fact is that radio stations are licensed to serve given area. While the signals don't just stop at the service contours, we also don't authorize these stations to necessarily serve beyond the limits prescribed by those protected contours. That's why they are called protected contours. Often, stations near large cities, or in the suburbs, will attempt to serve the larger city instead of their primary market. In the broadcasting industry, these are often called "rimshot stations". These so called rimshots may have signals that are strong enough to be

heard in the target city, but they seldom have enough signal to be heard reliably, if at all, inside of a building. In the majority of cases, almost all listening is automotive and is typically limited to such a small segment of the population as to be statistically insignificant. Stations with less than 54dBu coverage of an area seldom garner any ratings in a market. This is hardly surprising given the fact that there are many local signals to choose from, so the market shuns the weak signals. In most cases, these weaker signals are subject to interference of many kinds as well as multipath and wild fluctuations in strength. Put simply: Rimshot signals, generally, are of poor quality at the best of times.

When viewed on a map, depending upon the scale used, a Class A rimshot station can be made to *appear* more local than a class C rimshot because the class A station is physically closer, but really the situation is the same. The Class A rimshot will still have a relatively poor signal over the broader market. Rimshots tend to lack the signal strength necessary to make them effective with the majority of listeners. An FM translator broadcasting from within the target community will almost always provide a stronger, more useful signal than the fringe signal of a distant station, even if that station is a suburban class A.

Because the nature of the translators has evolved over the years from being a local source of distant signals to being more of a local source for local signals. The Commission must now decide if the public is best served by local signals or if they would be better served by distant signals.

II. AN ANALYSIS OF AN ACTUAL INTERFERENCE COMPLAINT

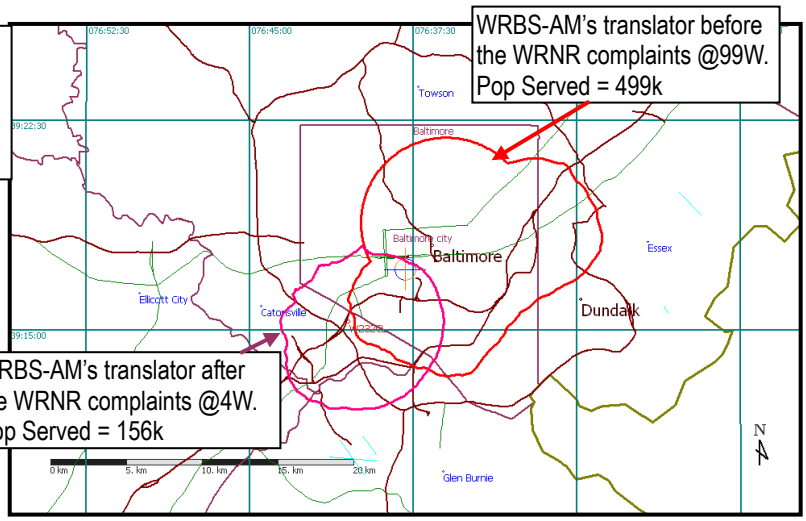
As the owner of three translators that are all rebroadcasting local signals as fill-ins, we have encountered resistance from an out-of-market station that was quite similar to the Aztec situation. WRNR, a class A station licensed to Grasonville, MD (near Annapolis), objected to our translator's CP (W276DE) to serve Baltimore, a town more than 35 miles away. WRNR submitted press releases to local newspapers and online news services about how the pending new signal would "Jam their northern signal" and "Cripple their coverage"[1]

WRNR even published the email address of the FCC staff that approved the CP for W276DE and asked readers to email their protests. In their video comments by WRNR's program director, Bob Waugh, tells viewers that the translator belongs to a "religious talk radio station out of Delaware, go figure". Waugh incites the viewer to action by implying that WRNR is the local signal being interfered with by a Delaware broadcaster.

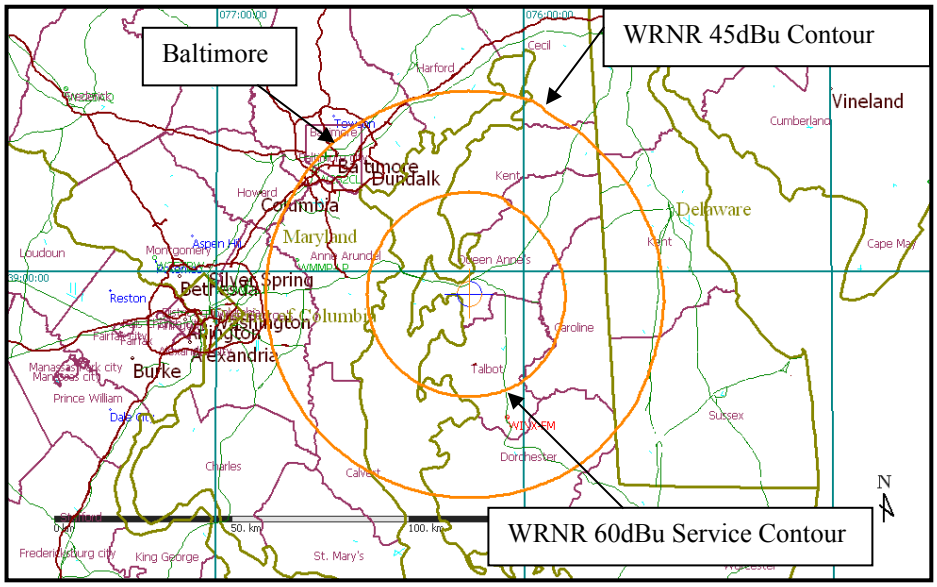
In fact, WRNR was the distant signal and the local broadcaster, Baltimore's WRBS-AM, lost the use of an excellent frequency and had to settle for a substandard channel outside of the main city and broadcasting with only 4 Watts instead of the 99W originally granted. In the process, almost 350,000 people were deprived of local service in favor of WRNR's distant service.

[1] See appendix: Articles from the Capital Gazette, allaccess.com and others

At Right: A comparison of the FM translator before and after the WRNR complaint.



WRNR's actual protected signal does not come anywhere close to the city of Baltimore where the translator had been proposed. In fact, even if WRNR had been a full class B facility, it still would not have covered Baltimore. As shown by the map at right, the WRNR 45dBu contour actually bisects Baltimore. While 45dBu is a marginally listenable signal in a motor vehicle, it is virtually un-receivable inside of a building, possibly with the exception of some upper floors. Even though WRNR's signal is helped somewhat by the fact that it travels over water for a good portion of the distance, an FM translator operating at 99W from a downtown (centralized) location has a much better chance of reaching listeners in



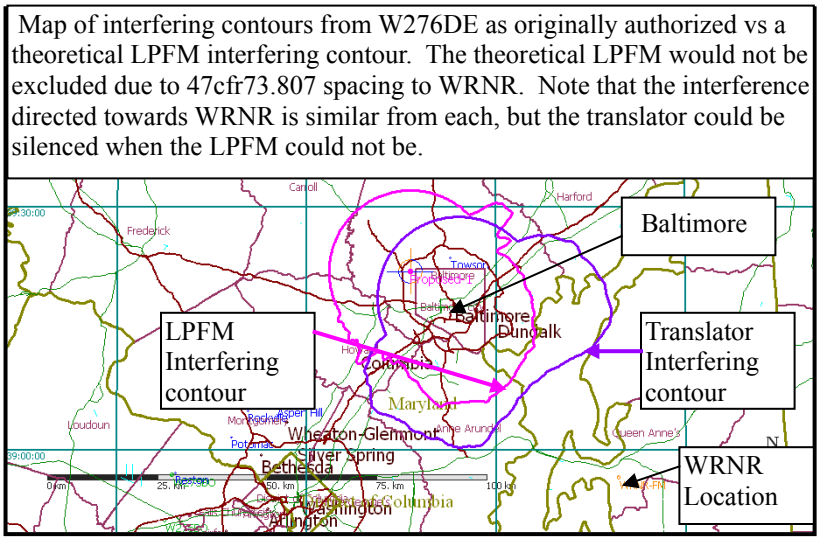
varied urbanized environments than a distant FM station reaching there with a weak signal from a fringe location.

In the case of WRNR, and many of these other reports of interference to fringe coverage, the "affected" broadcaster is concerned about losing audience share and advertising revenue from areas outside of their protected contour. It's very understandable that these broadcasters are quite protective of fringe coverage that they consider to be valuable, especially when they derive revenue from those areas. What they often don't realize is that their station is authorized to serve a particular area and they're not licensed to serve beyond the authorized area. While signals do reach fringe areas, those signals are not protected from interference for good reasons. First, the service contour must include the community of license (usually required to be within the 70dBu contour). This defines the area that the stations are *intended* to serve. When a station tries to serve a large city outside of its service area, it is no longer focusing on the area that it was intended to serve. Second, the service contour is also a way of defining where a reasonably acceptable signal level is for the public at large to generally be able to receive. At some point beyond that contour, the signal becomes too weak to reliably be received. At that point, the public benefits from another, stronger signal that can be received by more people.

Often stations licensed to smaller communities will make an effort to attract some listeners in a nearby larger city. This is the case with WRNR. When stations invest time and treasure into promoting their stations in fringe signal areas, they usually do so hoping to attract business revenue from that larger city. While this is not illegal, *neither is it protected*. A station that reaches out to communities beyond their protected contour does so at their own

risk and with the knowledge that other signals can change in ways that will affect their ability to reach those locations. In most cases, there is nothing that can be done if the interfering source is another station that has a legitimate permit to serve that fringe area. Even an LPFM station that causes interference to a co-channel station's fringe coverage will not be silenced. Only when the authorized facility is a translator can it be silenced.

In many cases, translators are so far away from the affected stations that an LPFM could be authorized in almost the same locations as the translators (other 73.807 spacings not withstanding). Such is the case with WRNR as shown at the right. Although other 73.807 spacings prohibit an LPFM in this instance, if we only consider WRNR, an LPFM could have been authorized on this channel in the Baltimore area.



Map of interfering contours from W276DE as originally authorized vs a theoretical LPFM interfering contour. The theoretical LPFM would not be excluded due to 47cfr73.807 spacing to WRNR. Note that the interference directed towards WRNR is similar from each, but the translator could be silenced when the LPFM could not be.

If the LPFM were authorized instead of the translator, WRNR would have no recourse. Given the maturity of the FM band today and the evolving and critical nature of FM translators as outlets for local AM and HD channels, why can a translator be silenced in situations where an LPFM cannot?

III. AN ALTERNATIVE PROPOSAL FOR RELIEF OF SMALLER FM STATIONS

The translator rules have recently been changed to allow AM stations of any coverage size to employ FM translators to a distance of at least 25 miles (40km). This is based on the observation that many markets are geographically larger than the coverage areas of the smaller stations. This condition is also true for smaller FM stations, particularly class A, class C3 and class B1 stations as well as some terrain-shielded facilities. If the translator rules were further modified so that an FM station could also own and operate a fill-in translator within 25 miles of the primary station's tower, then this would allow smaller stations quite a bit of relief from fringe interference. Such a change would benefit the listening public as well because the listener would have a potentially much stronger signal available that could be received indoors instead of mainly only mobile. Concerns of interference would be minimized or eliminated because the translator signal would be strong enough to eliminate or mask interference. Last, the change would equalize the coverage for AM and FM stations.

IV. CONCLUSION

The nature of FM broadcasting has evolved over the past 27 years. Many more FM signals are on the air today than there were when the rules were last modified in 1990. We encourage the Commission to examine how much protection still needs to be afforded to fringe signals, expecially in large markets where a host of local signals already exists and formats are frequently duplicated on many stations. We also believe that the Commission also should decide how to best modernize the translator rules by considering the increasingly critical role translators now play in bringing local AM and HD stations to the analog FM dial. In the case of fill-in translators, the current rules favor distant signals over the local signals provided by

translators. It is definitely a good time for the Commission to decide if the public interest is still best served by protecting listeners of fringe signals, or if the public is now better served by strong local signals.

Respectfully Submitted,

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Director

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